



Nevada State Board of Medical Examiners

***** PUBLIC NOTICE *****

NEVADA STATE BOARD OF MEDICAL EXAMINERS BOARD MEETING

*Conference Room at the Offices of the
Nevada State Board of Medical Examiners
1105 Terminal Way, Suite 301, Reno, Nevada 89502*

Videoconferenced (or Teleconferenced) to:

*Conference Room at the Offices of the
Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118*

Friday, September 10, 2010 – 8:30 a.m.

***** AGENDA *****

Please Note:

- 1) Persons wishing to attend this meeting may do so at either of the above-listed locations.
- 2) Agenda items, other than those items posted with a specific time, may be taken out of sequence to accommodate persons appearing before the Board and/or to aid in the effectiveness of the meeting.
- 3) Certain agenda items, or portions thereof, may be conducted in closed session, in accordance with NRS 241.030.
- 4) Public comment is scheduled under Agenda Item 32, at the end of the meeting, and will also be called for at other times throughout the meeting by the Board President.

Mailing Address: P.O. Box 7238 • Reno, Nevada 89510-7238

Physical Address: 1105 Terminal Way, Suite 301 • Reno, Nevada 89502-2144

(775) 688-2559 • Fax (775) 688-2321

E-mail: nsbme@medboard.nv.gov • Website: www.medboard.nv.gov

1. Call to Order and Announcements - *Charles N. Held, M.D., President*
 - Roll Call/Quorum
 - Announcement of Appointment by the Governor and Introduction of New Board Member Donna A. Ruthe
- 2.* Approval of Minutes
 - June 11, 2010 Board Meeting – Open/Closed Sessions
- 3.* Consideration and Approval of July 1 Through December 31, 2009 Audit by Kohn Colodny LLP, Certified Public Accountants
Friday, September 10, 2010, at 8:40 a.m., or as soon thereafter as it may be heard
 - *Beth Kohn-Cole, CPA, and Megha Menteer, CPA, Kohn Colodny LLP; Renee West, Secretary-Treasurer; Douglas C. Cooper, CMBI, Executive Director; Donya Jenkins, Finance Manager*
- 4.* Review and Discussion Concerning the Administrators in Medicine (AIM) Assessment Findings
Friday, September 10, 2010, at 8:55 a.m., or as soon thereafter as it may be heard
 - *Douglas C. Cooper, CMBI, Executive Director*
- 5.* Consideration of Adoption of Amendments to Nevada Administrative Code Chapter 630
Friday, September 10, 2010, at 9:00 a.m., or as soon thereafter as it may be heard
 - Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.230(g) to Remove Chorionic Gonadotrophic Hormones (HCG) Language From That Subsection
 - Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.230 by Removing Subsection (g) in Its Entirety
 - Review of Public Comments on, and Consideration of Adoption of, Proposed Amendments to Nevada Administrative Code Chapter 630, to Amend NAC 630.350 and NAC 630.530 to Include Language Which Indicates That Physician Assistant and Practitioner of Respiratory Care Licensees Must Provide Evidence of Required Continuing Medical Education or Continuing Education Units Completion, as a Condition of Licensure Renewal or When Their Licenses Have Previously Been Suspended for Non-Payment
 - *Edward O. Cousineau, J.D., Deputy Executive Director*
- 6.* Update Regarding Board's Health Professionals Assistance Programs
 - *Douglas C. Cooper, CMBI, Executive Director; Peter A. Mansky, M.D., Executive Medical Director, Nevada Professionals Assistance Program (NPAP)*
- 7.* Presentation by Affiliated Monitors, Inc. Regarding Its Practitioner Assistance Programs
Friday, September 10, 2010, at 9:20 a.m., or as soon thereafter as it may be heard
 - *Vincent L. DiCianni, Esq., President and Founder, Affiliated Monitors, Inc.*

- 8.* Consideration of Request by Nevada Division of Child and Family Services That Mandated Reporter Training Be Required for Medical Licensure in Nevada
- Douglas C. Cooper, CMBI, Executive Director
- 9.* Consideration and Discussion Regarding Statutory Change Requiring Mandatory CME in Controlled Substance Prescribing for Medical Licensure in Nevada
- Douglas C. Cooper, CMBI, Executive Director; Lesley Dickson, M.D., Chair, Governor's Committee on Co-Occurring Disorders
- 10.* Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Layfe Anthony, M.D., BME Case No. 09-11193-1
Friday, September 10, 2010, at 10:00 a.m., or as soon thereafter as it may be heard
- Keith D. Marcher, J.D., Senior Deputy Attorney General
Adjudicating Board Members: Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Donna A. Ruthe, Board Member
- 11.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Marilyn Atkins, R.R.T., BME Case No. 10-23244-1
- Lyn E. Beggs, J.D., General Counsel
Adjudicating Board Members: Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Donna A. Ruthe, Board Member
- 12.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Stella Chou, M.D., BME Case No. 08-9655-1
- Lyn E. Beggs, J.D., General Counsel
Adjudicating Board Members: Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Donna A. Ruthe, Board Member
- 13.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Salvador Borromeo, M.D., BME Case No. 09-12423-1
- Edward O. Cousineau, J.D., Deputy Executive Director
Adjudicating Board Members: Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Donna A. Ruthe, Board Member
- 14.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Carlos Inocencio, M.D., BME Case No. 09-22388-1
- Edward O. Cousineau, J.D., Deputy Executive Director
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Donna A. Ruthe, Board Member

- 15.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Antonino Gumina, M.D., BME Case No. 10-12370-1
- Lyn E. Beggs, J.D., General Counsel
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Donna A. Ruthe, Board Member
- 16.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Yvonne Barry, M.D., BME Case No. 10-7835-1
- Lyn E. Beggs, J.D., General Counsel; Bradley O. Van Ry, J.D., Deputy General Counsel
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Donna A. Ruthe, Board Member
- 17.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Pamela Gabriel, M.D., BME Case No. 10-18713-1
- Bradley O. Van Ry, J.D., Deputy General Counsel
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Donna A. Ruthe, Board Member
- 18.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Michael Rosenman, M.D., BME Case No. 10-11476-1
- Bradley O. Van Ry, J.D., Deputy General Counsel
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Donna A. Ruthe, Board Member
- 19.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. John D. Lewis, M.D., BME Case No. 09-5834-1
- Edward O. Cousineau, J.D., Deputy Executive Director
Adjudicating Board Members: Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member; Donna A. Ruthe, Board Member
- 20.* Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Donald Cassidy, M.D., BME Case No. 08-6105-1
- Edward O. Cousineau, J.D., Deputy Executive Director
Adjudicating Board Members: Charles N. Held, M.D., President; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member; Donna A. Ruthe, Board Member

- 21.* Consideration of Hearing Officer Synopsis of Record and Recommendation Regarding Motion to Dismiss of Clifford Carrol, M.D. in the Matter of the Nevada State Board of Medical Examiners vs. Clifford Carrol, M.D., BME Case No. 08-20231-1
- Lyn E. Beggs, J.D., General Counsel
Adjudicating Board Members: Van V. Heffner, Board Member; Beverly A. Neyland, M.D., Board Member; Theodore B. Berndt, M.D., Board Member; Michael J. Fischer, M.D., Board Member; Valerie J. Clark, BSN, RHU, LUTCF, Board Member; Donna A. Ruthe, Board Member
- 22.* Consideration and Discussion Regarding Security Measures at Board Meetings
- Michael J. Fischer, M.D., Board Member; Douglas C. Cooper, CMBI, Executive Director
- 23.* Reports
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - John H. Steinmetz, R.R.T., Advisory Committee Member
- Investigative Committees - Charles N. Held, M.D., President, Chairman, Investigative Committee A
Benjamin J. Rodriguez, M.D., Vice President, Chairman, Investigative Committee B
- Consideration of Cases Recommended for Closure by the Investigative Committees
- Investigations Division
- Status of Investigative Case Load - Pamela J. Castagnola, CMBI, Interim Chief of Investigations
- Quarterly Compliance Report - Johnna S. LaRue, Compliance Officer
- Nevada State Medical Association Report - Lawrence P. Matheis, Executive Director, Nevada State Medical Association
- Clark County Medical Society Report - Mitchell D. Forman, D.O., FACR, FACOI, FACP, President, Clark County Medical Society; Benjamin J. Rodriguez, M.D., Board Vice President
- 24.* Executive Staff/Staff Reports
- Update Regarding Legislative Initiatives for 2011 Legislative Session - Douglas C. Cooper, CMBI, Executive Director
- Consideration and Approval of Proposed 2011 Meeting Schedule - Douglas C. Cooper, CMBI, Executive Director
- Consideration and Approval of Request for Staff and Board Member Attendance at Educational Meetings - Douglas C. Cooper, CMBI, Executive Director
- Quarterly Update on Finances - Donya Jenkins, Finance Manager
- Informational Items
- Prescription Drug Abuse Project - Douglas C. Cooper, CMBI, Executive Director
- Legislative Committee on Health Care - Douglas C. Cooper, CMBI, Executive Director
25. Legal Reports - Lyn E. Beggs, J.D., General Counsel
- Board Litigation Status

- 26.* Consideration of Request of Barry Markman, M.D. for Removal of Conditions on His Medical License
Friday, September 10, 2010, at 1:30 p.m., or as soon thereafter as it may be heard
- *Barry Markman, M.D.*
- 27.* Consideration of Removal of Conditions on Medical License of Stephanie Ashman, M.D.
- *Lynnette L. Daniels, Chief of Licensing*
- 28.* Licensure Ratification
- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the June 11, 2010 Board Meeting
- 29.* Appearances for Consideration of Acceptance of Applications for Licensure
Portions of these appearances may be conducted in closed session in accordance with NRS 241.030.
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| (a) Dale Mericle, M.D. | (e) Steven Spillers, M.D. |
| (b) Stephen Dubin, M.D. | (f) Kent Swaine, M.D. |
| (c) Elouisa Farrales, M.D. | (g) James King, M.D. |
| (d) Amanda Rosales, R.R.T. | (h) Swati Agarwal, M.D. |
30. Matters for Future Agenda
- 31.* Election of Officers and Appointment of Committee Members
- 32.** Public Comment

* Denotes items on which action may occur.

** Under the Public Comment agenda item, members of the general public may bring matters not appearing on this agenda to the attention of the Board. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future agenda for action. In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than four (4) minutes.

NOTICES POSTED AT THE FOLLOWING LOCATIONS:

Nevada State Board of Medical Examiners - Reno
Washoe County Court House – Reno
Office of the Attorney General - Carson City
Office of the Attorney General - Las Vegas
Southern Nevada Health District - Las Vegas
Elko County Court House - Elko
White Pine County Court House - Ely

PLEASE NOTE:

- 1) Persons/facilities desiring copies of the Board's agenda must submit their request in writing every twelve (12) months. Check the address label for this agenda for expiration date.
- 2) With regard to any Board meeting, it is possible that an amended notice will be published adding new items to the original agenda. Amended notices will be posted in accordance with the Open Meeting Law; however, they will not be mailed to individuals on the Board's mailing list.
- 3) Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Board office in writing at P.O. Box 7238, Reno, NV 89510 or by calling (775) 688-2559 prior to the date of the meeting.